IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.563 OF 2007

Navsahyog Co-operative Housing Society Ltd. ..Appellant
V/s.
The Municipal Corporation of Greater Mumbai ..Respondent

Mr.M.W.Padgaonkar for the appellant
Mr.J.J.Xavier for the BMC

CORAM : SMT.R.S.DALVI, J.

DATE : 16TH APRIL, 2007

P.C.

1. The Judgment of the Judge of the Bombay City Civil Court, Mumbai dated 6th August, 2003 in L.C.Suit No.3741 of 1993 has been impugned. Part of the Judgment is not appealed against. The appellant's advocate states that the first part of the Judgment is complied because the appellant society has paid the bills under the notice which was impugned in the suit.

2. It is only contended by the society that the society cannot have sub-meter and pay water charges for the water consumed by the eight shops in the suit building. There is a common washing place

with water tap used by the occupants of the eight shops. Such user has to be charged at commercial rate. There is no sub-meter for such user. The impugned Judgment has directed the society to install the sub-meter as per the rules for the use of the shop on the ground floor. It is contended on behalf of the society that is not feasible but that separate sub-meters can be fixed for each of the eight shops.

3. The water facility used by the shop occupants has to be charged at the commercial rate. Consequently, a separate sub-meter is mandatorily required for such consumption. Consequently, each of the shopkeepers shall apply for a separate sub-meter, if water consumption is required by them. The BMC shall install a separate sub-meter upon the applications made by the shopkeepers and after the required fees are paid by them. The appellant society shall inform all the shopkeepers of the society. The shopkeepers shall make their respective applications within eight weeks from today. The BMC shall grant a separate sub-meter

upon the payment of the required fees within eight weeks from the date of the application and the payment of fees. The sub-meters shall be installed to connect water supply to the common washing place and toilet within eight weeks from today. The BMC shall not disconnect the water supply of the common washing place and toilet for 8 weeks.

4. Both the advocates state that the appeal can be disposed of in terms of the above order. The appeal is disposed of accordingly.

(**SMT.R.S.DALVI, J.**)